

REMARKS

Claims 1-4 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sen et al. (US 6556556). Applicants respectfully disagree. Claims 1 and 13 have been amended to clarify that the method and apparatus is a receiver that effects selective retransmission by a transmitter whereby logic circuitry determines that a poorly received link-layer frame should be aborted; determines a set of link-layer frames having higher-layer packet boundaries; sets V(N) to a next missing link-layer frame after a next higher-layer packet boundary if V(B) is not an empty set . . . and pushes all frames with sequence numbers up to V(N) up to the higher layer.

Sen describes a method of limiting data packet transmission within a communication network whereby changes are made at the transmitter. At the start of transmission, a higher layer packet is broken into multiple RLP frames. A marker bit is added in the header of all RLP frames. The marker bit of a starting frame is set to "1" while all the other frames subsequent to the starting frame within the same PPP data packet are set to "0." The marker bit is utilized only by the RLP sender. Before transmission of a frame to the physical layer, the marker bit is removed.

In the current invention of claims 1 and 13, changes are not made at the transmitting end, but rather at the receiving end. When the receiver determines that a frame should be aborted, the receiver determines a set of link-layer frames having higher-layer packet boundaries; sets V(N) to a next missing link-layer frame after a next higher-layer packet boundary if V(B) is not an empty set . . . and pushes all frames with sequence numbers up to V(N) up to the higher layer. This is simply not described in Sen since Sen deals with limiting data packet transmission at a transmitter.

Claims 5-7 and 8-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Sen. Claims 5-7 and 8-12 have been cancelled, thus mooted the rejection of these claims.

In view of the foregoing remarks, Applicant submits that claims 1 and 13 are patentable over Sen. Applicants further submit that dependent claims 2-4

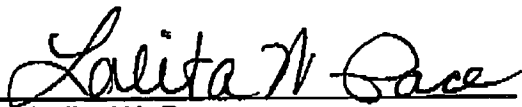
and 14-15 are patentable by virtue of their dependency on claims 1 and 13, respectively.

Please charge any fees associated herewith, including extension of time fees, to 50-2117.

Respectfully submitted,
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